

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2004-0156	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/002134	International filing date (<i>day/month/year</i>) 24.09.2004	Priority date (<i>day/month/year</i>) 26.09.2003
International Patent Classification (IPC) or national classification and IPC F41H7/04, F41H7/02		
Applicant DEISENROTH, Ulf		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-17 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-37 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/11, 11/11 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>2, 20, 23, 27-31, 34</u>	YES
	Claims	<u>1, 3-19, 21, 22, 24-26, 32, 33, 35-37</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-37</u>	NO
Industrial applicability (IA)	Claims	<u>1-37</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
<p>1. This report makes reference to the following documents:</p> <p>D1: WO03/004958</p> <p>D2: EP1293747</p> <p>D3: EP0828134</p> <p>D4: FR1525095</p>			
<p>2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2).</p> <p>D1 discloses (cf. page 1, first paragraph; page 7, paragraphs 3-5; page 8, fourth paragraph to page 9, second paragraph; figures 5, 6 and 9):</p> <p>a modular safety containment system, in particular for transporting people and/or objects, with at least one container or capsule-like housing and a receiving system arranged therein for the people and/or objects, the receiving system being</p>			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>detachably mounted in the direction of the floor of the housing, and/or the container being shaped so as to ensure that blast waves are deflected.</p> <p>In the interest of completeness, the applicant should note that claim 1 also lacks novelty within the meaning of PCT Article 33(2) over documents D2 and D3.</p> <p>3. Dependent claims 2-37 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step. The reasons therefor are the following:</p> <ul style="list-style-type: none">- The features of claims 9-16, 19, 22, 24-26, 32, 33 and 35-37 are disclosed in D1 (cf. page 1, first paragraph; page 7, paragraphs 3-5; page 8, fourth paragraph to page 9, second paragraph; figures 5, 6 and 9).- The features of claim 21 are disclosed in D2 (cf. figure 1).- The features of claims 3-8, 17 and 18 are disclosed in D3 (cf. column 3, line 11 to column 4, line 54; figures 1-3).- The features of claim 2 are rendered obvious by D4 (cf. figure 4).

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>- Claims 20, 23, 27-31 and 34 contain numerous features that relate to different embodiments of detail features of claim 1. Some of these features are disclosed in the available prior art, or their subject matter concerns measures that a person skilled in the art routinely takes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable.</p>